

EMPLOYER STATUS DETERMINATION
Finger Lakes Railway Corp.

This is the determination of the Railroad Retirement Board concerning the status of Finger Lakes Railway Corporation (FLRC) as an employer under the Railroad Retirement Act (45 U.S.C. § 231 et seq.)(RRA) and the Railroad Unemployment Insurance Act (45 U.S.C. § 351 et seq.)(RUIA).

In Interstate Commerce Commission (ICC) Finance Docket No. 32574, decided October 6, 1994, FLRC filed a notice of exemption to acquire and operate 117.84 miles of rail line, owned by Consolidated Rail Corporation (Conrail), B.A. No. 1321. The 117.84 miles of rail line extend between: (1) Watkins Glen Industrial Track at milepost 46.30 at or near Bellona and milepost 16.55 at or near Watkins Glen, a distance of 29.75 miles; (2) Canadaigua Secondary between milepost 76.00 at or near Canadaigua and milepost 51.30 at or near Geneva, a distance of 24.70 miles; (3) Auburn Secondary between milepost 50.50 at or near Geneva and milepost 3.61 at or near Solvay Yard, a distance of 46.89 miles; (4) Geneva Running Track between milepost 344.40 at or near Geneva and milepost 329.30 at or near Kendaia, a distance of 15.10 miles; (5) Lehigh & New York Industrial Track between milepost 357.00 and milepost 356.10 at or near Auburn, a .90 mile distance; and (6) Auburn & Ithaca Industrial Track between milepost 349.20 and milepost 348.70 at or near Auburn, a .50 mile distance. The transaction also includes the acquisition by FLRC of incidental trackage rights from Conrail between milepost 12.80 at or near Geneva to milepost 34.90 at or near Himrod Junction, a distance of 22.10 miles.

Effective July 22, 1995, FLRC began rail operations. Information regarding FLRC was provided by Michael V. Smith, President of FLRC. FLRC first compensated its sixteen employees on July 22, 1995. According to Mr. Smith, FLRC expects to be switching approximately 5,600 carloads of freight. FLRC interchanges with Conrail at Geneva and Solvay, New York.

The evidence establishes that FLRC transports property by railroad in interstate commerce in the United States. Accordingly, the Board holds that Finger Lakes Railway Corporation is a rail carrier employer under the Railroad Retirement Act and the Railroad Unemployment Insurance Act effective July 22, 1995, the date it began operations and first compensated its employees.

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TO : The Board

FROM : Catherine C. Cook
General Counsel

SUBJECT: Coverage Determination
Finger Lakes Railway Corp.

Attached is a proposed coverage ruling for Board approval.

Attachment